

REMARKS

Claims 1, 10, 16 and 23 have been amended and claims 5-6, 14-15, 17 and 25 have been cancelled, thus leaving claims 1, 2, 4, 7-11, 13, 16 and 23 pending.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1, 2, 4-11, 13-17, and 23 and 25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over OPC Overview (Version 1) in view of Thomas et al (U.S. Patent Application Publication No. US 2003/0061335).

Independent Claims 1, 10, 16 and 23

In response to this rejection, Applicants have amended Claim 1 to include the subject matter of claims 5 and 6. Specifically, Applicants have amended Claim 1 to recite:

1. (currently amended) A method for communicating with a factory automation control system via a remote computers, the remote computers including an object container, the method comprising:

requesting, via at least one of the remote computers, factory automation control system information, wherein the factory automation control system is configured to control an industrial process, and wherein the requesting includes requesting a web page, the web page being hosted by the factory automation control system;

receiving, from the factory automation control system, the factory automation control system information at the object container; and

running an ActiveX control within a web browser in the object container so as to enable a user at the at least one of the remote computers to view the received factory automation control system information via the web page.

Support for these amendments can be found, at least, at cancelled claims 5-6.

Applicants submit that these amendments further clarify the patentably distinct differences between Claim 1 and OPC Overview in view of Thomas et al. In particular Applicants submit that the combination of OPC Overview and Thomas et al. neither teaches nor suggests each limitation of amended Claim 1. For example, as amended, Claim 1 recites:

“requesting a web page, the web page being hosted by the factory automation control system.”

This amendment was drawn directly from cancelled Claim 5. The Office Action contends that

this limitation is taught by Thomas et al. However, the Office Action has not pointed to any portion of Thomas et al. that mentions “a web page.” Nor does the Office Action point to anything in Thomas et al. that discloses “the web page being hosted by the factory automation control system.”

Additionally, Claim 1 has been amended, drawing support from, at least, cancelled Claim 6, to recite a “web browser.” Here again the Office Action does not reference anything from Thomas et al. that discloses a web browser. And nowhere in the portion of Thomas et al. cited by the Office Action does it discuss a web page, a web browser or a web page being hosted by the factory automation control system as recited in amended Claim 1.

The Office Action cannot rely on generally pointing to the references to support a claim that each limitation is taught. Establishing that all the claim limitations are taught requires that, for references like Thomas et al., “the particular part relied on must be designated as nearly as practicable.” See Rule 1.104 (c)(2). The Office Action, however, does not show with any specificity what construct or language from Thomas et al. corresponds to a web page being hosted by a factory automation control system or a web browser. Moreover, Applicants can find nothing in these sections corresponding to a web page, a web browser or hosting a web page in order to respond to Office Action’s claims. Without more the Office Action has failed to meet the standard for a prima facie case of obviousness and the rejection should be withdrawn.

Moreover, the motivation the Office Action supplies for combining the two references is improper. One of ordinary skill in the art could not have been motivated to combine Thomas et al. and OPC Overview in order to “provide a customizable method of remotely monitoring and controlling the condition or status of a number of devices by displaying all information through web page,” as the Office Action argues, because neither reference discloses or suggests using a web page.

Amendments have also been made to independent claims 10, 16 and 23 so that they include similar, although not identical, language to Claim 1. These amendments draw support from, at least, cancelled claims 5, 6, 14-15, 17 and 25. To the extent the Examiner relies on the same reasons set forth for rejecting Claim 1 in rejecting claims 10, 16 and 23, Applicants again submit that a rejection of claims 10, 16 and 23 is not proper for the reasons stated above.

For claims 16 and 23, the Office Action has additionally referred to OPC Overview (pages 1 and 11) arguing it discloses “that the object container is a web browser.” Again, Applicants have reviewed these pages and find no mention of a web browser. Since the Office Action does not identify any construct or language in OPC Overview that corresponds to a web page, these rejections are improper and should be withdrawn.

Based on the above analysis, Applicants submit independent claims 1, 10, 16 and 23 are novel, non-obvious and in condition for allowance. In addition, Applicants submit dependent claims 2, 4, 11, and 13 are allowable, at least, by virtue of being dependent from allowable independent claims.

Independent Claim 7

To the extent the Office Action relies on the reasons for rejecting claims 1-2 and 4-6, the arguments made above relative to Claim 1 are incorporated herein.

In addition, Claim 7 recites “an Internet server application program interface (ISAPI) configured to receive a request from the remote computer system.” The Office Action argues that this can be found somewhere in OPC Overview pages 2-4, 9-10 and figures 2-5. Once again, the Office Action provides no specificity as to what in the OPC Overview reference allegedly corresponds to the claimed ISAPI, and Applicants can find nothing in this general reference that corresponds to an ISAPI. The rejection is therefore improper and should be

withdrawn. In addition, Applicants submit dependent claims 8 and 9 are allowable, at least, by virtue of being dependent from allowable independent Claim 7.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that no further impediments exist to the allowance of this application and, therefore, solicit an indication of allowability. However, the Examiner is requested to call the undersigned if any question or comments arise.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

COOLEY GODWARD KRONISH LLP
Attention: Patent Group
The Bowen Building
875 15th Street NW, Ste. 800
Washington, D.C. 20005-2221
Tel: (720) 566-4035
Fax: (202) 842-7899

Respectfully Submitted

COOLEY GODWARD KRONISH LLP

By: 

Sean R. O'Dowd
Reg. No. 53,403